



CHARTER FOR THE DNRC WHITEFISH NEIGHBORHOOD PLAN 9/15/03

Whereas, the Department of Natural Resources and Conservation (DNRC) is preparing a land use plan/neighborhood plan for State Trust Lands in the vicinity of Whitefish, Montana in Flathead County and seeks wide ranging public input and involvement in the planning process, and

Whereas, the DNRC is interested in identifying land use opportunities that are in keeping with its mission to generate revenue for the Trust Beneficiaries and that are compatible with local land use values, and

Whereas, the DNRC intends to identify land uses and implementation tools that are reasonable and feasible and in keeping with its stated mandate, and

Whereas, the Northwestern Land office of the DNRC initiated the land use planning process in May 2003 under contract with Community Development Services of Montana, and

Whereas, the public has been actively engaged in the planning process to date including ten (10) DNRC sponsored meetings involving more than 350 individuals and direct contact with more than 35 interested individuals/groups, and

Whereas, the planning process anticipates a 12 month period of public involvement and information collection culminating in the release of a draft neighborhood plan (Whitefish Area Trust Land Plan) for formal application to the city of Whitefish and County of Flathead for amendment to the respective community growth policies, and

Whereas, the neighborhood plan is intended to be presented in a goals and policies format similar to the format of the existing growth policies of Whitefish City and County and Flathead County, and

Whereas, the Whitefish Area Trust Land Plan (WATLP) will be developed under the following goals and objectives that reflect comments from the local community as well as the statutory requirements which govern the management of state trust lands,

- Generate Revenue based on fair market value of Trust Lands
- Maintain future revenue generating capacity of the Trust Lands
- Provide public access, recreation and open space opportunities
- Provide management for recreation and other public and private uses
- Provide for wildlife, fisheries and vegetative habitat
- Minimize negative impacts on soil and water resources of Trust Lands and adjacent lands
- Provide a predictable guide regarding future uses of identified State trust Lands, and

Whereas, DNRC would serve as “lead” in the planning process but work in cooperation/partnership with a core team of interested citizens and the general public to develop and achieve the desired goals of the planning effort, and

Therefore, it is desirous to pursue a neighborhood planning effort for school trust lands located in the vicinity of Whitefish and to achieve maximum public involvement and community representation in that process.

ROLES AND RESPONSIBILITIES

DNRC: Will lead the effort to develop a Whitefish Area Trust Land Plan (WATLP), which will provide a policy basis for determining future land use opportunities on School Trust Lands in the area of Whitefish. The DNRC will develop the plan in cooperation with a public process and through a direct working relationship with the Whitefish Area Trust Lands Plan Advisory Committee. The DNRC will submit an application in partnership with the Advisory Committee to amend the Whitefish City-County and Flathead County Growth policies through the incorporation of the WATLP. The adoption process is set forth in 76-1-601 et seq, MCA.

FLATHEAD COUNTY: The County Commissioners will be kept informed of the planning process by DNRC through its planning board staff and presentations at planning board meetings. A maximum of two Representatives of County government and of the County Planning Board could serve on the Advisory Committee and therefore have direct involvement with preparation of WATLP. Based on the recommendation of the County Planning Board, the Flathead County Commissioners will be responsible for the final approval of the amendments to its local planning document (Growth Policy or Comprehensive Plan).

THE CITY OF WHITEFISH: The City of Whitefish will be kept informed of the planning process by DNRC through its planning board staff and presentations at planning board meetings. A maximum of two Representatives of Whitefish City government and the City-County Planning Board could serve on the Advisory Committee and therefore have direct involvement with preparation of WATLP. The City-County Planning Board will be responsible for making a recommendation on the WATLP to the governing bodies. Any amendments to the Whitefish Growth Policy, as anticipated by the WATLP, will require joint approval by the City and County.

LAND BOARD: The Board of Land Commissioners (and Land Board staffers) will be kept informed of the planning process by DNRC. The Board will review the WATLP prior to being submitted to the local authorities. The Board will review the WATLP that is adopted by the City of Whitefish and Flathead County Commissioners, specifically the terms and restrictions of the (WATLP) and determine, pursuant to Section 77-1-201 and -203, MCA, whether the Board shall apply the restrictions of the WATLP to the affected state lands.

THE PUBLIC: The public will be provided with continued opportunities for involvement in the WATLP process through public meetings and open houses where members of the public will have an opportunity to provide input on planning concepts.

SELECTION COMMITTEE: DNRC will work with the Community of Whitefish (lead by Whitefish Major - Andy Feury) and Flathead County (lead by the North Valley District County Commissioner - Gary Hall) to identify and create consensus, on a slate of individuals for the selection of a Committee of 7 or fewer individuals. These individuals will help identify and select a Whitefish Area Trust Lands Advisory Committee (Advisory Committee) consisting of no more than 20 individuals. This Selection Committee will be temporary, only established for the purpose of identifying members of the Advisory Committee. Logical members of the Selection Committee could include representatives of the County Commissioners Office, County planning staff, City Council, City planning staff, and DNRC.

The creation of the Advisory Committee by the Selection Committee is intended to be self-selecting to the extent possible, whereby specific interest groups would be asked to identify a particular individual to represent or speak on the behalf their constituency. The Selection Committee would take the lead role in identifying those individuals that have the time and interest to serve on the Advisory Committee. The Selection Committee would work to create a consensus on a slate of individuals for the Advisory Committee. In addition to two members from DNRC, listed below are examples of groups or individuals that may be appropriate to the Advisory Committee. It is possible that additional persons with interest in the planning process or with specific technical knowledge may be asked to participate on the Advisory Committee from time to time. Membership will include, but not be limited to, the following interests:

Beneficiaries

Recreationists, such as hunters, anglers, mountain bikers, equestrians, hikers, boaters, skiers, and motorized vehicle users

Existing lease holders

Business and industry groups

Service providers, such as police and fire

Members of the Public at large and/or representatives of neighborhood/area associations

Representatives of local governing bodies

WHITEFISH AREA TRUST LANDS PLAN ADVISORY COMMITTEE: The Advisory Committee will be created with the adoption of this Charter as set forth above. The Advisory Committee will work in concert with DNRC to prepare a draft plan, ready for application to the respective planning boards by May 2004. Committee participation will extend through the final adoption process. If at any time, the working relationship of the Advisory Committee to DNRC is unsatisfactory or fails to accomplish the tasks of the planning effort, DNRC may choose to discontinue with the Committee relationship and may terminate the planning process.

The Committee will:

- Serve as a partner to DNRC in developing all components of the Plan.
- Formulate goal and policy statements that will provide general guidance for the future use and management of the trust lands within the planning area.
- Assist in the development of land use alternatives for the planning area, which may also include sub-neighborhoods.
- As land use alternatives are identified, the Committee will examine the feasibility of each approach. Feasibility criteria might include financial feasibility, community acceptance, long-term impacts, and the ability to meet the needs of the Trust Lands' beneficiaries.
- Implementation Strategies: Examine tools and strategies for implementation of Planning Goals and Objectives and land use alternatives for each of the sub-neighborhoods.
- Provide on-going review and recommendations of all plan components.
- Serve a key role in disseminating and discussing draft products generated by the Advisory Committee to the general public through a public meeting format.
- Provide Assistance in Plan Adoption: As the plan moves forward, the Advisory Committee will partner with DNRC to help shepherd the plan through the local adoption process.
- Other items as determined

TIMEFRAMES

DNRC contracted with Community Development Services of Montana (CDS) to prepare a draft plan in a 12 month time period. Under this Charter, the roles of DNRC and the consultant are modified but the time-line for application is not expected to change. It is still desirous to make application to the Flathead County Planning Board and Whitefish City-County Planning Board by mid-May 2004 or sooner. Up to 6 months may be necessary to process the WATLP through the county and city adoption process.

FINANCIAL

DNRC will fund the planning process under current expectations. If additional funding becomes a necessity and DNRC is not successful in securing additional budget authority to complete the planning process as desired by DNRC, consultant, and Advisory Committee, then private donations may be acceptable for this purpose under a MOU agreement with DNRC.